

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>63173 (70801)</b>
INTERNATIONAL APPLICATION NO. PCT/JP2003/012304		INTERNATIONAL FILING DATE 26 September 2003
TITLE OF INVENTION OPTICAL PATH SWITCHING DEVICE		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/529429</b> PRIORITY DATE CLAIMED 27 September 2002
APPLICANT(S) FOR DO/EO/US Kohji Minami		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☒ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: PCT/RO/101; PCT/IB/210; International Application No. WO 2004/029712 A1; this Return Receipt Postcard

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/529429</b>		INTERNATIONAL APPLICATION NO. PCT/JP2003/012304		ATTORNEY'S DOCKET NUMBER 63173(70801)	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21.	<input checked="" type="checkbox"/>	Basic national fee .....	\$300	\$ 300.00	
22.	<input checked="" type="checkbox"/>	Examination fee			
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....				\$100	
All other situations .....				\$200	
23.	<input checked="" type="checkbox"/>	Search fee			
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....				\$100	
International Search Report prepared and provided to the Office .....				\$400	
All other situations .....				\$500	
<b>TOTAL OF 21, 22 and 23 =</b>				<b>\$ 1,000.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
50 - 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	43 - 20 =	23	x 50.00	\$ 1,150.00	
Independent claims	1 - 3 =	0	x	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(s) (if applicable) .....				\$ 360.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 2,510.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				<b>\$ 2,510.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 2,510.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$</b>	
				Amount to be refunded:	\$
				Amount to be charged:	\$2,550.0
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>04-1105</u> in the amount of \$ <u>2,550.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>04-1105</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p> <p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>David A. Tucker EDWARDS &amp; ANGELL, LLP P.O. Box 55874 Boston, Massachusetts 02205 (617) 517-5508 CUSTOMER NUMBER: 21874</p> <p style="text-align: right;"> <i>David A. Tucker</i>            SIGNATURE: _____            David A. Tucker            NAME _____            27,840            REGISTRATION NUMBER _____         </p>					

JCO6 Rec'd PTO 25 MAR 2005

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">For FY 2005</h3>		<p><b>Complete if Known</b></p> <p>Application Number: <b>63173 (70801)</b></p> <p>Filing Date: <b>Concurrently Herewith</b></p> <p>First Named Inventor: <b>Kohji Minami</b></p> <p>Examiner Name: <b>Not Yet Assigned</b></p> <p>Art Unit: <b>Not Yet Assigned</b></p> <p>Attorney Docket No.: <b>63173 (70801)</b></p>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) <b>2,550.00</b>			

**METHOD OF PAYMENT** (check all that apply)

☐ Check    ☐ Credit Card    ☐ Money Order    ☐ None    ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account    Deposit Account Number: **04-1105**    Deposit Account Name: **Edwards & Angell, LLP**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below    ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17    ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

  

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims Fee (\$)	Fee Paid (\$)
29	- 20 = 9	x			

  

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
1	- 3 =	x	

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
50	- 100 =	/50 (round up to a whole number) x		

**4. OTHER FEE(S)**

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	300.00
Other (e.g., late filing surcharge):	
1631 Basic National Stage fee	200.00
1633 National Stage Examination Fee - all other ...	500.00
1632 National Stage Search Fee - all other situations	40.00
8021 National Stage recording each patent assignment, ...	1,150.00
1615 National Stage claims - extra total (over twenty)	360.00
1616 National Stage claims - multiple dependent	

<b>SUBMITTED BY</b>		Registration No.	27,840	Telephone	(617) 517-5508
Signature	<i>David A. Tucker</i>	(Attorney/Agent)		Date	March 25, 2005
Name (Print/Type)	David A. Tucker				

10/529429

JC06 Rec'd PCT/PTO 25 MAR 2009

Application No. (if known): Not Yet Assigned

Attorney Docket No.: 63173 (70801)

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EV 492341450 US** in an envelope addressed to:

MS PCT  
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P.O. Box 1450  
Alexandria, VA 22313-1450

on March 25, 2005  
Date

Kathryn A. Grindrod  
Signature

Kathryn A. Grindrod

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 517-5534

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office (4 pages)  
Fee Transmittal (2 pages)  
Specification (43 pages)  
Claims (6 pages)  
Abstract (1 page)  
Formal Drawings Figs. 1 - Figs. 14 (12 pages)  
Executed Oath or declaration of the inventor(s) (4 pages)  
PCT Request (PCT/RO/101)  
International Search Report (PCT/ISA/210)  
International Published Application No. WO 2004/029712 A1  
Information Disclosure Statement (6 pages)  
Form PTO/SB/08a/b (w/3 References) (1 page)  
Assignment Recordation Form Cover Sheet (2 page)  
Assignment (2 pages)  
Authorization to charge \$2,550.00 to deposit account 04-1105  
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